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Date: 07/14/2005**To:** Examiner Jan M Ludlow

Art Unit 1743

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Cover Sheet + 2 Pages

Message:

RE: Patent Application No.: 09/917,649

Filed: 07/31/2001

Inventor: Feldstein

Docket No.: NC 79,856

Response to Restriction and Election of Species Requirements – 2 pages

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PATENT APPLICATION
Docket No.: NC 79,856

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: Feldstein
Serial No.: 09/917,649
Filed: 07/31/2001
For: FLUIDICS SYSTEM
Examiner: Ludlow, Jan M.
Art Group Unit: 1743

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Honorable Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

February 24, 2005

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS

Sir:

This communication is responsive to the Office Action of 05/20/2005, setting a one month period of reply.

Claims 1 and 47-73 remain in the application. The Office Action required restriction to one of the following groups of claims:

- I. Claims 29 and 47-67, drawn to an apparatus, classified in class 422, subclass 100.
- II. Claims 68-73, drawn to a method of moving fluid, classified in class 436, subclass 180.

Applicant affirms the constructive election of group I. The requirement is traversed in that there has been no showing that it would be a serious burden to examine both groups of claims.

The Office Action also required an election of species among the following groups.

- IA. Claims 29, 47, 56, 57, 61, 62, and 64-67, embodiment with analytical feature.
- IB. Claims 29, 48, 60, and 62, embodiment with specified channel size.
- IC. Claims 29, 53, 58, 59, 62, and 63, embodiment with specified valve features.
- ID. Claims 29, 52, 54, and 56, embodiment with specified reservoir structure.

CERTIFICATE OF FACSIMILE TRANSMISSION

I certify that this correspondence is being facsimile transmitted to the US Patent and Trademark Office on the date shown below.

7/14/05
Date

Joseph T. Grunkemeyer
Joseph T. Grunkemeyer

Serial No.: 09/917,649

PATENT APPLICATION
Docket No.: NC 79,856

IE. Claims 29, 55, and 62, embodiment with primary channel structures.

IF. Claims 29, 49-51, and 62, embodiment with secondary channels.

Applicant elect group IA. The election of species requirement is traversed in that the species are not mutually exclusive as required by MPEP 806.04(f). All of the species could coexist in a single apparatus. This also shows that examining all species would not present a serious burden

In the event that a fee is required, please charge the fee to Deposit Account No. 50-0281, and in the event that there is a credit due, please credit Deposit Account No. 50-0281.

Respectfully submitted,



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